

SENATE BILL 3152
By Atchley

AN ACT to amend Tennessee Code Annotated, Title 13; Title 67
and Title 71, relative to welfare reform and the provision of
economic assistance to needy families.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 3, Part 1, is amended by
adding the following as a new section:

Section____. (a) The commissioner of human services is authorized to seek and
to implement any waivers to carry out reform of the aid to families with dependent
children program as may be permitted by the federal government.

(b) If waivers are granted pursuant to subsection (a) the department shall
administer the aid to families with dependent children program pursuant to the provisions
of such waivers, and as otherwise permitted or required pursuant to state and federal
law and regulations.

(c) Notwithstanding any law to the contrary, the department shall have authority
upon passage of this act to promulgate any public necessity rules, to become effective
upon the effective date of this act, which it determines are necessary to implement the
provisions of this section on the effective date of the act, and shall have rulemaking
authority to establish any public necessity rules, to become effective upon the effective
date of this act, in any other title or part of any title which the department administers
which are necessary to implement this part; provided, however, that the department shall
promulgate permanent rules pursuant to a rulemaking hearing as required by §§ 4-5-201
et seq.

SECTION 2. Tennessee Code Annotated, Title 71, Chapter 3, Part 1, is amended by adding the following as a new section:

Section____. (a) Notwithstanding the provisions of this part, the commissioner of human services is authorized to establish demonstration projects or pilot projects in such county or counties as the commissioner may deem appropriate in order to test additional or innovative efforts to improve the economic and social circumstances of families in need.

(b) Notwithstanding any law to the contrary, the department shall have authority upon passage of this act to promulgate any public necessity rules, to become effective upon the effective date of this act, which it determines are necessary to implement the provisions of this section on the effective date of the act, and shall have rulemaking authority to establish any public necessity rules, to become effective upon the effective date of this act, in any other title or part of any title which the department administers which are necessary to implement this section; provided, however, that the department shall promulgate permanent rules pursuant to a rulemaking hearing as required by §§ 4-5-201 et seq.

SECTION 3. Tennessee Code Annotated, Title 71, Chapter 3, Part 1, is amended by adding the following as a new section:

Notwithstanding any law to the contrary, the commissioner of finance and administration, from funds appropriated or otherwise made available to the department of human services in any account funding programs or services for the aid to families with dependent children or any successor program, shall establish a reserve fund to support the aid to families with dependent children, or any successor programs; provided, however, for the fiscal year beginning July 1, 1996, the reserve fund shall not exceed fifteen million dollars (\$15,000,000). Funds available in such accounts at the end of any fiscal year shall not revert to the general fund, but shall be placed in the reserve fund established by this section.

SECTION 4. Tennessee Code Annotated, Section 71-1-127, is amended by deleting the section in its entirety and by substituting instead the following:

71-1-127. (a) The commissioner of human services is authorized, pursuant to the requirements of subsections (b) and (c) to immediately implement changes necessary as result of federal legislation designed to reform welfare programs which are, or may be in the future, administered by the department of human services or other appropriate state agencies.

(b) It is the intent of the general assembly that any modifications to the state's welfare programs be implemented as required by federal law or which are financially in the best interests of the state or which are necessary for the implementation of such changes. Notwithstanding any other state law to the contrary, the department shall, therefore, have the authority to immediately implement any federal legislative changes by public necessity rules; provided, however, that permanent rules shall be promulgated pursuant to the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 2.

(c) For purposes of this section, "welfare program" is defined as any federal or state means-tested program administered by the department of human services, or any child support enforcement program administered by the department of human services pursuant to Title IV-D of the Social Security Act, the Carl D. Perkins Vocational and Applied Technology Act authorized by P.L. 101-392, and the Adult Education Act, authorized by P.L. 100-297, as amended by the National Literacy Act of 1991, P.L. 102-73.

SECTION 5. Tennessee Code Annotated, Section 71-3-104(f), is amended by deleting the language "through June 30, 1996" in the fourth sentence and by deleting the last sentence.

SECTION 6. Tennessee Code Annotated, Title 71, Chapter 3, Part 1, is amended by adding the following as a new section:

The commissioner of human services shall have authority to establish a system for distribution of any benefits provided by this part by means of an electronic benefits transfer system or by such other means as the commissioner shall determine is appropriate.

SECTION 7. Tennessee Code Annotated, Title 71, Chapter 5, Part 3, is amended by adding following as a new section:

The commissioner of human services shall have authority to establish a system for distribution of any benefits provided by this part by means of an electronic benefits transfer system or by such other means as the commissioner shall determine is appropriate.

SECTION 8. This act shall take effect upon becoming a law for the purpose of promulgating rules, and it shall take effect on July 1, 1996 for all other purposes, the public welfare requiring it.